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Security Council Committee established pursuant to resolution 1737 (2006)

Note verbale dated 27 September 2010 from the Permanent Mission of Romania to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Romania to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1737 (2006), and has the honour to submit herewith enclosed the report by Romania on the implementation of Security Council resolution 1929 (2010).

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Annex to the note verbale dated 27 September 2010 from the Permanent Mission of Romania to the United Nations addressed to the Chairman of the Committee

Report submitted by Romania to the Security Council Committee established pursuant to resolution 1737 (2006) on the implementation of resolution 1929 (2010)

7 September 2010

By paragraph 31 of resolution 1929 (2010) the Security Council called upon all States Members of the United Nations to report to the Security Council on the steps they have taken with a view to implementing effectively paragraphs 7 to 24.

According to the provisions of the Romanian legislation (Emergency Ordinance No. 202/2008, as approved by Law No. 217/2009), Security Council resolution 1929 (2010) was published in the Romanian *Official Journal*. However, the enforcement of the provisions of resolution 1929 (2010) by the Romanian institutions had been initiated on the date of its adoption, as Emergency Ordinance No. 202/2008 ensures the direct applicability and mandatory character at national level of international sanctions adopted by the Security Council (art. 3 (1), in conjunction with art. 1 (1) of Emergency Ordinance No. 202/2008) for all subjects of law they address, including natural and legal persons of private law, from the date of their adoption by the Security Council.

Regarding the embargo on arms and dual-use items (paras. 7-9 and 13 of resolution 1929 (2010))

- Romania has the following national legislation requiring an export authorization for the sale, supply, transfer or export of arms and related materiel to third countries[1] and an authorization for the provision of brokering services and other services related to military activities, which provides the basis for enforcement of the arms embargo against Iran and the ban on related brokering services: Government Ordinance No. 158/1999 approved with amendments by Law No. 595/2004 and modified by Law No. 7/2010. According to this legislation, the National Agency for Export Controls (ANCEX)[2] has a rapid mechanism for the implementation of the mandatory arms embargoes imposed by Security Council resolutions, Council Decisions adopted by the European Union Council or OSCE Decisions. Article 28 of Government Ordinance No. 158/1999, as modified by Law No. 7/2010, provides that "The Agency shall deny issuance of a licence for operations involving military goods [...] if the issuing of such licence would be in contradiction with the international obligations and commitments assumed by Romania to apply the embargoes on weapons transfers established by the United Nations, the European Union, or the Organization for Security and

[1] This legislation should apply to all goods included in the Common Military List of the European Union: *Official Journal of the European Union* C 65, 19 March 2009, p. 1.

[2] The National Agency for Export Controls (ANCEX), General Directorate within the Ministry of Foreign Affairs of Romania, is the Romanian authority responsible for the control of exports, imports and other transfers of military goods, according to Government Ordinance No. 158/1999 approved with amendments by Law No. 595/2004.

Cooperation in Europe". ANCEX fully complies with the new provisions imposed by Security Council resolution 1929 (2010). ANCEX has not yet been seized with an export licence request for Iran. ANCEX recommended maximum prudence to the exporters in concluding commercial contracts in Iran. Moreover, ANCEX cooperates with the National Customs Authority which consults ANCEX for all exports in Iran.

- For implementing paragraphs 7, 8, 9 and 13 of resolution 1929 (2010), ANCEX conducts the following risk assessment:
  - analyses the product (to determine if it may be used in producing weapons of mass destruction or military products)
  - identifies the end-user and its activity
  - determines the recipient's and the end-user's profile
  - analyses the denials on that specific destination
  - cooperates with national authorities of the States that refused specific operations

Regarding the restrictions on admission (para. 10 of resolution 1929 (2010))

The Romanian Border Police has taken the following measures for the implementation of paragraph 10 of resolution 1929 (2010):

- verification of the lists provided in annex I to resolution 1929 (2010) and annexes C, D and E to resolution 1737 (2007), annex I to resolution 1747 (2007), annexes I and II to resolution 1803 (2008) and annexes I and II to resolution 1929 (2010) or designated by the sanctions Committee according to paragraph 10 of resolution 1737 (2006); and signalling in the database the persons subject to a travel ban
- monitoring of the traffic in the Black Sea and reporting to Frontex in order to identify ships subject to international sanctions

Regarding the obligations on assets freeze (paras. 11, 12 and 19 of resolution 1929 (2010))

The specialized structures of the National Authority for Fiscal Administration (within the Ministry of Finance) have taken all necessary measures to identify all funds and economic resources belonging directly or indirectly to sanctioned entities and have set in place a monitoring system to rapidly detect such current and future funds and immediately apply the specific sanctions.

Regarding the obligations to inspect (paras. 13-17 of resolution 1929 (2010))

- The National Customs Authority is in charge of creating a risk assessment instrument to be applied by all its operative structures. This risk assessment instrument will cover the following domains:
  - restrictions on commerce with Iran (para. 13 of resolution 1929 (2010))
  - inspections of suspect cargoes to and from Iran in ports and airports (para. 14 of resolution 1929 (2010))

- inspections of ships on the high seas, with the consent of the flag State, if there are reasonable grounds to believe that they carry prohibited items (para. 15 of resolution 1929 (2010))

- seize and dispose of prohibited items, following the above-mentioned inspections, according to the national legislation (para. 16 of resolution 1929 (2010))

Regarding the sanctions on transport (paras. 18 and 20 of resolution 1929 (2010))

- The Ministry of Transport and Infrastructure has taken the following measures:

  - all departments of the Romanian Naval Authority with responsibilities in operations of arrival or departure of vessels, vessel inspection and trader certification have been informed about the adoption of resolution 1929 (2010) and have received its full text

  - the Romanian Maritime Shipowners' Association has been informed about the adoption of resolution 1929 (2010)

  - the full text of resolution 1929 (2010) has been published on the Romanian Naval Authority's website: www.rna.ro

  - taking into account the responsibilities of the Romanian Civil Aeronautical Authority for the authorization of commercial cargo flights landing at Romanian airports, the Authority monitors compliance with the provisions of resolution 1929 (2010) (as well as the provisions of European Union Council Decision 2010/413/CFSP of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP), in respect of the cargo flights having their origin or intermediate points on the territory of Iran

  - with reference to the sanctions mentioned in paragraph 14 of resolution 1929 (2010), the Romanian Civil Aeronautical Authority has been requested to develop a procedure to inform the National Customs Authority about the cargo flights with their origin or intermediate points on the territory of Iran, authorized by the Romanian Civil Aeronautical Authority to operate at Romanian airports, so that the National Customs Authority will be able to inspect the load of these aircraft

  - all Romanian air operators have been informed of their obligation to comply with the provisions of resolution 1929 (2010) and with those of European Union Council Decision 2010/413/CFSP

Regarding the financial restrictions (paras. 21-24 of resolution 1929 (2010))

- The Romanian National Bank monitors the implementation of paragraphs 21 to 24 of resolution 1929 (2010), which apply to institutions supervised by the Romanian National Bank. The supervision takes place in the form of in situ inspections.

- As concerns the prohibition to open new branches, subsidiaries or representative offices of Iranian banks in Romania, the Romanian National Bank, in the process of authorization, takes into account the provision of paragraph 23. The specific national legislation has therefore been implicitly

modified by resolution 1929 (2010). There has not yet been any request that would trigger the application of paragraph 23 of resolution 1929 (2010).

Within the European Union

Romania and the other States members of the European Union have jointly implemented the restrictive measures against Iran imposed by Security Council resolution 1929 (2010) by taking the following common measures:[3]

Council Decision 2010/413/CFSP of 26 July[4]

The Council Decision sets out the European Union's commitment to implementation all of the measures contained in resolution 1929 (2010), and provides the basis for European Union-specific accompanying measures within the scope of the resolution, notably:

- export ban on certain other items, in addition to those determined by the sanctions Committee, which could contribute to Iran's nuclear-related programme or other weapons of mass destruction-related programmes
- autonomous designations under the visa ban and the assets freeze, to be decided by the Council of the European Union, of persons and entities involved in proliferation-sensitive nuclear activities or in violations of Security Council resolutions, of individuals and entities of the Islamic Revolutionary Guard Corps and of the Islamic Republic of Iran Shipping Lines and their subsidiaries
- enhanced vigilance over the activities of financial institutions within the jurisdiction of European Union member States with banks and financial entities linked to Iran, notably through a prior authorization regime for all transactions above a certain amount
- prohibition to open new branches and subsidiaries of Iranian banks in the European Union and to establish new banking relationships with Iranian banks
- prohibition to provide insurance and reinsurance to Iranian entities
- prohibition of sale, purchase and brokering of government bonds
- measures in the transport sector concerning the prohibition for Iranian cargo flights to have access to European Union airports and the prohibition to provide engineering and maintenance services to Iranian cargo flights

Council implementing Regulation (EU) No. 668/2010 of 26 July implementing article 7(2) of Council Regulation (EC) No. 423/2007 on restrictive measures against Iran[5]

In addition to the Council Decision, the Council adopted a Regulation implementing article 7(2) of Council Regulation (EC) No. 423/2007 on restrictive

[3] All common measures are published in the *Official Journal of the European Union*, which can be consulted through the following web pages: http://eur-lex.europa.eu/JOIndex.do?ihmlang=en (published issues) and http://eur-lex.europa.eu/RECH_menu.do?ihmlang=en (search form).

[4] *Official Journal of the European Union* L 195, 27 July 2010, p. 39.

[5] Ibid., p. 25.

measures against Iran in order to legally enforce the asset freeze for the new European Union autonomous designations of persons and entities.

Council Regulation amending Council Regulation (EC) No. 423/2007 on restrictive measures against Iran

The Council will adopt in the near future a Council Regulation amending Council Regulation (EC) No. 423/2007 in order to implement the measures provided for in Council Decision 2010/413/CFSP of 26 July which fall under the competence of the Union.

Commission Regulation (EU) No. 532/2010[6]

Commission Regulation (EU) No. 532/2010 amends Council Regulation (EC) No. 423/2007 by including the persons and entities designated by the Security Council on 9 June 2010 in the list of persons, entities and bodies subject to the assets freeze as set out in annex IV to Council Regulation (EC) No. 423/2007.

Council Regulation (EC) No. 539/2001 of 15 March 2001 (and its subsequent amendments)[7]

This Regulation requires nationals of Iran to be in possession of a visa when entering the European Union.

Romania has the following national legislation requiring an export authorization for the sale, supply, transfer or export of arms and related materiel[1] to third countries and an authorization for the provision of brokering services and other services related to military activities, which together with Council Decision 2010/413/CFSP provides the basis for enforcement of the arms embargo against Iran and the ban on related brokering services: Government Ordinance No. 158/1999 approved with amendments by Law No. 595/2004 and modified by Law No. 7/2010.

The above-mentioned Council Regulations are binding in their entirety and directly applicable in all States members of the European Union.[8] Regulation (EC) No. 423/2007 requires member States to determine the penalties applicable to infringements of their provisions. The penalties determined by Romania are set out in the following legislation: Emergency Ordinance No. 202/2008 on the implementation of international sanctions, approved by Law No. 217 of 2 June 2009.

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[6] *Official Journal of the European Union* L 154, 19 June 2010, p. 5.

[7] Ibid., L 8[illegible] 21 March 2001, p. 1.

[8] Regulation (EC) No. 539/2001 applies neither to Ireland nor to the United Kingdom.